

Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of contents. The label statement "Net Wt. 1¼ Oz." was inaccurate.

DISPOSITION: July 3, 1947. Default decree of condemnation and destruction.

12241. Misbranding of candy bars. U. S. v. 95 Cartons * * *. (F. D. C. No. 22927. Sample No. 91161-H.)

LIBEL FILED: April 14, 1947, District of New Jersey.

ALLEGED SHIPMENT: 20 cartons on March 11, 1947, by the Atlantic Stores, Inc., from Boston, Mass.; and 75 cartons on January 31 and March 13, 1947, by Paul F. Beich Company, from New York, N. Y.

PRODUCT: 95 cartons, each containing 12 24-bar boxes, of candy bars at Newark, N. J.

LABEL, IN PART: "Beich * * * Epicure Chocolate and Pecans * * * 1 Mg. Vitamin B₁ (Thiamin Hydrochloride)."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Chocolate and Pecans" was false and misleading as applied to a product which did not consist of chocolate and pecans (the article was a chocolate-coated marshmallow bar with pecan pieces embedded in the coating); and, Section 403 (j), the article purported to be a food for special dietary uses by reason of the vitamin B₁ content, and the label failed to bear a statement of the proportion of the minimum daily requirement of vitamin B₁ supplied by the article when consumed in a specified quantity during a period of 1 day.

DISPOSITION: June 17, 1947. Paul F. Beich Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be repacked and relabeled so as to comply with the law, under the supervision of the Food and Drug Administration.

12242. Misbranding of candy bars. U. S. v. 270 Cases * * *. (F. D. C. No. 22960. Sample No. 65982-H.)

LIBEL FILED: April 23, 1947, District of Maryland.

ALLEGED SHIPMENT: On or about April 10, 1947, by Luden's, Inc., from Reading, Pa.

PRODUCT: 270 cases, each containing 16 24-bar boxes, of candy bars at Baltimore, Md.

LABEL, IN PART: The statement "Fifth Avenue Milk Chocolate and Almonds" was printed in large type on the top of the wrapper, and the statement of ingredients, "Milk Chocolate, Almonds, Peanuts, Sugar, Corn Syrup, Salt, Molasses," was printed inconspicuously in small type on the side of the wrapper.

NATURE OF CHARGE: Misbranding, Section 403 (a), the prominent label statement "Milk Chocolate and Almonds" was misleading as applied to a candy bar with a peanut butter-molasses brittle center coated with milk chocolate and containing 2 almonds; and, Section 403 (d), the container was so made and filled as to be misleading since the manner of wrapping gave the impression that the candy bar was much larger than was actually the case, and there was an excessive amount of unfilled space in the wrapper.

DISPOSITION: June 28, 1947. Default decree of condemnation; product ordered delivered to charitable institutions.

12243. Misbranding of candy. U. S. v. 45 Cases * * *. (F. D. C. No. 23515. Sample No. 87575-H.)

LIBEL FILED: On or about July 28, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about February 7, 1947, by Luden's, Inc., Reading, Pa.

PRODUCT: 45 cases, each containing 24 boxes, of candy at New York, N. Y.

LABEL, IN PART: "Bristol Super Mints Made by Brandle & Smith Division Luden's Inc. Reading, Pa. * * * Net Weight 1¾ Oz."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container was so filled as to be misleading (the boxes contained from 14 to 16 pieces of candy; 20 pieces could easily be placed in the boxes); and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents (the boxes contained less than the declared weight).